

108TH CONGRESS  
1ST SESSION

# H. R. 404

To amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2003

Mr. ANDREWS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Open Air Drug Market  
5       Penalty Act of 2003”.

6       **SEC. 2. PENALTIES FOR OPEN AIR DRUG MARKETS.**

7       (a) IN GENERAL.—Part D of the Controlled Sub-  
8       stances Act (21 U.S.C. 841 et seq.) is amended by adding  
9       at the end the following:

1 “OPEN AIR DRUG MARKETS

2 “SEC. 423. (a) Whoever commits a specified Federal  
3 drug offense, knowing that at least one other has com-  
4 mitted a specified Federal drug offense—

5 “(1) within 500 feet of the place the offense  
6 under this section takes place; and

7 “(2) within a 48-hour period;  
8 shall, in addition to any penalty imposed for the specified  
9 Federal drug offense, be imprisoned 5 years.

10 “(b) Notwithstanding any other provision of law, the  
11 court shall not place on probation or suspend the sentence  
12 of any person convicted for a violation of this section, nor  
13 shall the term of imprisonment imposed under this sub-  
14 section run concurrently with any other term of imprison-  
15 ment, including that imposed for the specified Federal  
16 drug offense.

17 “(c) As used in this section, the term ‘specified Fed-  
18 eral drug offense’ means a Federal offense—

19 “(1) of which an element is the distribution or  
20 attempted distribution of a controlled substance; and

21 “(2) for which the maximum term of imprison-  
22 ment that may be imposed equals or exceeds 5  
23 years.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 for title II of the Comprehensive Drug Abuse Prevention

- 1 and Control Act of 1970 is amended by inserting after
- 2 the item relating to section 422 the following new item:

“Sec. 423. Open air drug markets.”.

